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C O N F I D E N T I A L SECTION 01 OF 07 USOSCE 000225

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SUBJECT: OSCE WEEKLY HIGHLIGHTS: SEPTEMBER 28 - OCTOBER 9, 2009

Classified By: Charge d'Affaires Carol Fuller for Reasons 1.4(B)&(D)

European Security: Avoiding a Dual Track

1. (C) In a meeting with Charge Fuller at NATO HQ October 2, NATO international staff led by Deputy A/SYG Bob Simmons advised that NATO allies have agreed to postpone discussion of the Medvedev proposal of European Security Architecture until the conclusion of initial OSCE Corfu Process (CP) discussions at the Athens Ministerial in December. Simmons cautioned however that Russian Ambassador to NATO Rogosin is increasingly pushing the idea of a treaty and allies might want to deal with the issue after Athens. The "worst nightmare" would be a dual track: ongoing CP discussions at OSCE and treaty discussions in NATO. During recent NATO-OSCE staff talks, the OSCE Secretariat reportedly expressed concern about a "disconnect" between the CP and the NATO Strategic Concept. Simmons cautioned that NATO countries "need to make more of an effort to pursue NATO interests in the OSCE, injecting Brussels ideas into the CP" and thereby deflecting Russian attempts to weaken the OSCE.

NATO A/SYG on Kazakhstan as OSCE CiO

2. (C) Based on meetings held recently by the NATO SYG in Kazakhstan, Simmons expressed the view that the recent change of Ministers of Defense bodes well for coordination with the OSCE, as the Deputy MOD for Cooperation General Bulat Sabinov - whom the US and other allies have found to be a good interlocutor on Iraq - will probably travel regularly to Vienna for FSC meetings. Also based on the SYG's consultations, he opined that FM Saudabayev may well leave Deputy FM Zhigalov to handle the detailed OSCE CiO work, but Zhigalov is still "surprisingly uninformed" on OSCE issues, including recent developments in the Minsk Group process on Nagorno Karabakh, and repeats the Russian assertion that Georgian President Sakaashvili will no longer be president within a year. Finally, he confirmed, as we previously learned, that Kazakhstan plans to appoint the current Kazakh

head of the Shanghai Cooperation Organization as Personal Representative of the CiO on Conflicts and that he will begin to work with current PR Christopoulos only in November.

#### EU Council/Commission Observations on OSCE

13. (C) During Charge Fuller's Brussels consultations with EU Council and Commission officials October 1-2, Carl Hallegard, senior adviser to EU High Representative for CFSP Solana, told her that "saving" the OSCE from Russian attempts to undermine it is the "big issue." Asserting that the OSCE is more important than it was in the past, he urged the US and OSCE partners to "push Russia hard" in the Corfu Process and call Russia's bluff) "there is enough in the OSCE as a whole for them to stay in it." On Georgia, he lamented that they are "more combative than is good for them" and that they focus too much on scoring political points. He was dismayed that Georgia might not permit the Vienna-based OSCE roving teams to travel routinely to Tskhinvali and Tbilisi in accordance with a framework agreement that OSCE Special Representative on Conflicts Christopoulos is trying to develop and present to the Geneva Co-Chairs. He emphasized the importance of continued involvement by the international community. On Serbia and Kosovo, he noted that the EU deals with crises there every day and would welcome stronger US involvement in the OSCE mission in Kosovo. EU Commission staff were less positive about the OSCE, however, with several officials expressing concern at what they see as some duplication between the Council of Europe and the OSCE. They

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were unhappy that the OSCE had been blocked from sending human rights monitors to South Ossetia, whereas the CoE Human Rights Representative had "no problem" in getting access to both Abkhazia and South Ossetia. On Electoral Observation Missions (EOM), they noted that if the OSCE "can't perform" its regular functions, the EC may have to rethink its gentlemen's agreement not to send EU EOMs to OSCE countries.

Greek Special Rep Christopoulos forges "light" agreement on OSCE presence in Georgia

14. (C) In an October 5 meeting, Greek Special Representative Christopoulos briefed Charge Carol Fuller on his recent trip to Tbilisi and Tskhinvali. The Georgians objected to his discussing with the South Ossetians a framework for roving OSCE teams from Vienna to Tbilisi and Tskhinvali, fearing this would allow the Russians and South Ossetians to claim the problem was over. Instead, Christopoulos negotiated a lighter "footprint" that was agreed to by both sides. He will visit both areas with another CPC representative before and after each IPRM session, in order to prepare the meeting, attend the IPRM on behalf of the OSCE, and ensure adequate follow-up to the topics discussed. The total time frame for each visit would be approximately one week. Christopoulos believes this is an OSCE foot in the door which will allow him to slowly build greater understanding and flexibility on the participation and the purposes of the visit; i.e., not necessarily led by him nor always linked to IPRM meetings. The OSCE representative would then also have the flexibility to visit the region as necessary in the larger framework of the Geneva talks. In addition, Christopoulos convinced the South Ossetians to convene the special group on missing persons, outside the IPRM. He confirmed that the Geneva Co-Chairs will travel to Moscow October 12-13 and to the region October 19-20. The latter visit will provide an opportunity to work on a non-use of force agreement in advance of the next round of Geneva talks. Christopoulos asked that we encourage the Georgians to be supportive of this new concept, as well as a joint study of water access and provision of natural gas to Akhalkalaki. With respect to the growing need for transition to a Kazakhstan Special Representative, Christopoulos expressed concern that the purported candidate (current head of the Shanghai Cooperation Organization) will not be available until the end of November and noted that he has offered to travel to Kazakhstan to

brief him.

#### Candidates for OSCE Representative on Freedom of the Media (RFOM)

5.(SBU) Seven nominations were presented by the October 8 deadline to replace Hungarian Miklos Harazsti for this important and highly visible OSCE position in March 2010: Dr. Mikhail A. Fedotov (Russia - also a candidate in 2004); Ms. Aleksandra Joksimovic (Serbia); Ms. Dunja Mijatovic (BiH); Dr. Rubina Mohring (Austria); Mr. Oleg Panfilov (Georgia); Mr. Ognian Vesselinov Zlatev (Bulgaria); and Mr. Stephen Whittle, OBE (UK). Privately, Harazsti told Charge Fuller that four of the seven have the necessary experience and profile - BiH, Georgia, Bulgaria, and the UK - but that the best candidate in his view is the Bosnian. The Mission has gotten very high recommendations for her from other quarters as well, whereas even the UK ambassador has indicated his government may not push their candidate - former head of the BBC who has questioned whether he would even have to move to Vienna or work full-time - too hard.

#### Kazakhstan ambassador on OSCE CiO Issues

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16. (C) During a meeting with Charge Fuller this morning, Kazakh ambassador Kairat Abdrakmanov spoke in glowing terms of the French president Sarkozy's support of a Kazakh-organized OSCE Summit - which he believes now will definitely happen in 2010. The Charge once again cautioned that this would depend on there being something substantive to discuss, and that it can't be Medvedev's proposal for a European Security Treaty. Abdrakmanov also said that Kazakhstan will definitely push the issue of energy security during their chairmanship and organize a series of events. He said they want to avoid politicization of the issue and would like to see OSCE shape a security approach. They have asked the Secretariat to "do its homework" on energy security issues that are relevant to the OSCE. He was pleased with USOSCE's stated cross-dimensional approach to a ministerial decision that ranges from threats to critical infrastructure and contingency planning for the cut-off of supply to transparency/corruption/border control issues. He also took on board the fact that our funding of the CEIP event in February (being organized by the ATU with assistance from Slvanovic's OCEEa) could be a "deliverable" for the Kazakh chairmanship on energy security. He said the Russians, too, are interested in the topic.

#### OSCE Conference Explores Security and Climate Change link, OSCE Role

17. (U) The Greek Chairmanship and the Romanian Foreign Ministry hosted the conference "Security Implications of Climate Change in the OSCE Region" on Oct 5-6 in Bucharest. The conference, with 120 registered attendees, drew participation from 30 OSCE participating states, the EC, UNECE, European Environment Agency, and about 10 NGO, civil society or academic entities. Presenters generally expressed views that environmental changes linked to climate change could exacerbate existing tensions or, in extreme cases, potentially generate conflict. The presentations covered a range of issues including human security, induced migration, water, arable land, infrastructure, and the need to incorporate "climate-proofing" in planning and construction. U.S. Department of State VCI/CCA representatives gave a presentation on the Open Skies Treaty and potential applications of Open Skies imagery to climate change and other environmental issues. Numerous participants, including the Romanian MFA keynote speaker (Secretary of State for Strategic Affairs), OSCE Secretary General, Greek CiO, and the EU, expressed views that the OSCE should have a role in identifying and mitigating climate-change tensions. USOSCE reiterated USG positions on climate change and called for a careful, deliberate approach to look for a niche where the

OSCE could avoid redundancy and add value. Spain announced that it is partially funding a 1/4 360K extra-budgetary project with the objective of inventorying potential climate-change related security issues in the OSCE region, developing scenarios, providing early warning, and recommending mitigating measures, and urged other PS to contribute.

#### Prospects for Ministerial Decision on Security and Climate Change

¶8. (SBU) Representatives of the Greek delegation told USOSCE on Oct 5 that they are still looking for ways to get the RF to join consensus on a potential Ministerial Council decision (MCD) on Security and Climate Change. The current Greek plan, elaborated in their closing statement in Bucharest on Oct 6, is to propose a MCD on "abrupt environmental change" that

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will likely focus on early warning and prediction, inventory of potential vulnerabilities, and scenario setting. Their hope is that avoiding reference to an OSCE role in addressing climate change may open the possibility of the RF joining consensus. In an Oct 8 meeting delegates from EU/Sweden, Spain, and the EC told Poloff that they view this as a priority issue where the OSCE can be of utility and that it should take it on in order to stay relevant. They say they plan to make every effort to persuade the RF on the issue, and think that the U.S. position, including whether or not we are willing to join them in lobbying the RF, could prove decisive.

#### HDIM Opening Session

¶9. (SBU) The 2009 OSCE Human Dimension Implementation Meeting (HDIM) kicked off in Warsaw, Poland on September 28. At the opening Plenary Session speakers stressed the importance of the human dimension in European security. In contrast to the generalities of the other plenary speakers, the U.S. statement focused on specific concerns and cases, including jailed Kazakhstan human rights activist Yevgeniy Zhovtis. During the Kazakhstan opening statement, protesters stood silently near the speaker, wearing t-shirts with a picture of Zhovtis and the slogan "We Call for a Fair Trial to Zhovtis." Outside of the official sessions, Head of Delegation Haltzel and USOSCE CDA Fuller had bilateral meetings with Special Representative Haraszti on media freedom and OSCE SYG de Brichambaut. The highlight of the day was when a Kazakhstani delegate at the side event on the independence of Kazakhstan's judiciary accepted a Zhovtis t-shirt from protesters.

#### Working Session I, Rule of Law - Kazakhstan gets Pummeled; Russia Questions U.S. Human Rights Commitments

¶10. (SBU) During the first Working Session on September 28, at least 12 different human rights organizations, many from Kazakhstan, lambasted the Rule of Law commitments of the Government of Kazakhstan. While there were also other interventions concerning the Rule of Law records of countries such as Azerbaijan, the most striking were allegations by the Russian Federation concerning the human rights record of the U.S. The Russian delegation questioned the right of the U.S. to be a human rights standard bearer given our record of unspecified torture cases, Guantanamo, and other unnamed human rights violations. The U.S countered by noting that no one, including the U.S, is immune from scrutiny, but reserved a right of reply pending receipt of specific cases referred to in the Russian statement. Russia has yet to provide us with further information on its allegations.

#### Kornblum Stresses Value of Maintaining Dialogue on European Security

¶11. (SBU) Approximately 60 delegates attended the U.S.-hosted side event on European Security, held September 29. Guest

speaker former Ambassador Kornblum set out the historical context of the current discussions on European security, drawing parallels between the security situation in the late 1960s and early 1970s with that of today. Kornblum noted similarities between the 1954 Soviet proposal for a collective security treaty and Medvedev's 2008 proposal on a European security treaty, and stated his belief that any attempt to legalize the OSCE's political commitments would kill the organization. Kornblum countered the Dutch Ambassador's usual sales pitch for adoption of the convention on legal personality by saying that the 1993 Rome

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Ministerial Council already agreed to give the OSCE legal personality under the domestic legislation of each pS. The proposed convention is therefore not only unnecessary but potentially harmful due to its links to a Charter. He does not believe that new architecture or structures are needed, but what is required is a better understanding of how to apply the tools we have. A Russian representative praised Kornblum's presentation as one of the most interesting he has attended in recent years. He noted that he did not agree with all of Kornblum's statements, but he chose to rebut only one - namely that Medvedev was not strongly pushing for a treaty on European security. After the meeting, many participants privately thanked USDel members for the initiative shown in hosting such an event and for expressing points that would have been "too political" for Vienna-based delegations.

Freedoms of Assembly, Association, and Movement and the Role of Civil Society in Promoting Human Rights

¶12. (SBU) Working Session 3 presented a large roster of speakers - 52 interventions, plus 7 rights of reply - who touched broadly on challenges to human rights defenders in the OSCE region, as well as specific concerns on the freedoms of assembly, association and movement. Introducer Souhayr Belhassen of the International Federation of Human Rights office in France called on participants to observe a moment of silence at the opening of the session in honor of slain human rights activist Natalia Estemirova. Picking up on this theme, the U.S. speaker reiterated a call for justice in this and other cases of murdered civil society activists, and given the limited time available, cited two examples from our submitted statement representing opposite ends of the spectrum\*Turkmenistan's persistent violation of freedom of association in its failure to register any opposition political parties, versus Hungary's improved efforts this summer to protect Gay Pride marchers from violent attacks (with a call for other states to protect freedom of assembly for similar events). The moderator curtailed approximately four speakers for veering off topic (including two apparently pro-government Kazakh NGOs who praised a litany of loosely related steps by the Kazakh authorities), but otherwise facilitated NGO interventions that ranged from registration concerns for civil society groups in Belarus, political parties in Kazakhstan, Turkmenistan, and Uzbekistan and minority cultural associations in Greece; attacks on protesters and curbs on free assembly in Georgia and Armenia; jailed human rights defenders in a number of States; and constraints on freedom of movement in the occupied regions of Georgia and northern Kosovo.

Session XII: Freedom of expression, free media and information

¶13. (SBU) The first of two half-day plenary sessions on Media Freedom marked the final HDIM appearance of Miklos Haraszti (Representative on Media Freedom) before his retirement in March 2010. Speakers said the situation of media freedom in the OSCE has not improved markedly - and has even moved backwards in some areas. Haraszti identified the growing concentration of media ownership into the hands of large monopolies as one of the most pressing problems facing the OSCE. He also discussed the state of the Internet's lack of



ethical standards; the lack of pluralism in the media; the criminalization of libel and insult; and massive fines designed to put media outlets out of business as serious issues requiring attention. Throughout his intervention, Haraszti cited examples from many countries but repeatedly

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criticized the Russian Federation and Kazakhstan for their serious problems. In his closing remarks, he blasted Kazakhstan for its failure to live up to its commitments on media freedom and for passing a draconian law on the Internet. Haraszti also identified the admirable goal of wanting to limit terrorism as all too often serving as an improper basis for laws designed to curb free speech. In close to 30 NGO interventions, repeated speakers singled out the Russian Federation for the air of impunity which prevails there given limited number of arrests or convictions after attacks on journalists. The Moscow Journal for Human Rights said more than 200 journalists have been killed (most shot to death) in Russia since 1992. Like Haraszti, many NGOs singled out Kazakhstan and said the upcoming Kazakh Chair in Office of the OSCE was a mistake that is already compromising the OSCE in the eyes of the world. The Kazakhstani cases of Yesergepov and Zhovtis featured in many of these statements, along with complaints about the new Internet law. Yesergepov's spouse delivered a strong appeal for aid to her husband. Columnist Anne Applebaum (and wife of the Polish Foreign Minister) spoke as a special guest of the USG.

#### Challenging Intolerance against Muslims: Building Partnerships and Countering Ignorance

¶14. (SBU) ODIHR, with the U.S. and the Spanish delegations, co-sponsored this side-event October 5. CiO Special Representative for Countering Intolerance and Discrimination against Muslims, Adil Akmetov, was introducer for the well attended event. Speakers included Kareem Shora, National Executive Director, Arab-American Anti-Discrimination Committee, (sponsored by the USG), and Gema Martin Munoz, Director, Case Arabe, (sponsored by Spain). Kareem noted that sponsorship of an event on intolerance against Muslims by the USG at the HDIM signaled a policy change by the Obama Administration. He then presented an overview of his organization's law enforcement programs on Muslim awareness, sponsored by ODIHR, (which he called "Arab/Muslim 101"), which are based on previously developed anti-Semitism programs. He said the most systemic problems faced by Muslim NGOs are a lack of civil society capacity and reliable partners. ODIHR voiced its readiness to partner with civil society actors in this regard. Gema followed by presenting an overview her organization's activities (also sponsored by ODIHR), including the publishing of a Muslim reference guide called, "Muslims in Spain." In addition to interventions confirming the need for capacity building and strong partners for civil society organizations regarding Muslim awareness, two attendees said television programming (i.e., soap operas such as "Little Mosque on the Prairie") is much more effective in countering ignorance of Muslims than diversity training.

#### Closing Reinforced Plenary Session: The Last Word

¶15. Participating States used the HDIM 2009 closing plenary to stress their positions on implementation of OSCE human dimension commitments as well as OSCE Institutions and activities.

- Sweden/EU urged the OSCE to follow-up on the report done last year by ODIHR and the HCNM on human rights in the South Ossetia and Abkhazia regions of Georgia, and raised concerns about continued violations of human rights in Turkmenistan. The EU also raised harassment of human rights defenders and urged that Kazakhstan, as incoming CiO, ensure that OSCE human dimension events remain open to NGOs.

- Russia attacked the U.S, urging that the "numerous" cases

of torture and abuse be investigated, that the detention facility at Guantanamo be closed, and that the U.S. not repeat such violations in Afghanistan. Under the upcoming Kazakhstani Chairmanship, the OSCE should be able to "reconsider traditional approaches," and ensure that human rights not be undermined by "explosive democratization." The OSCE should focus on the Corfu Process as the way to stop degradation of respect for human rights in the OSCE area.

- Belarus proposed that the HDIM focus only on certain issues, such as TIP and Tolerance, and that only positive experiences and best practices be discussed.

- Kazakhstan said that the large number of Kazakhstani NGOs at the HDIM demonstrated the development and openness of society there. Noting concerns raised about ensuring continued NGO participation in OSCE events, Kazakhstan countered that it was unfortunate that there was a dwindling number of NGOs from "west of Vienna." Kazakhstan reiterated its commitment to the common goal of implementation of OSCE commitments, and said its National Action Plan on Human Rights, presented at the HDIM, demonstrates the intent to do so.

- The United States announced the awarding of the Nobel Peace Prize to President Obama, sending a buzz through the room - and particularly through the Kazakhstani delegation - which took quite a while to calm down. A/S Posner stressed that the U.S. approach consists of engagement, universality, and telling the truth, and encouraged Kazakhstan to show leadership by example and ensure that OSCE meetings remain fully open to NGOs.

- ODIHR Director Lenarcic announced that the HDIM had a record participation this year, including a record number of NGOs. This year 496 individuals representing 383 NGOs participated; in 2008 438 individuals representing 332 NGOs participated.

Fuller